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Educational, Scientific and  
Cultural Organization

# Executive Board

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## **CONVENING OF AN EXTRAORDINARY MEETING OF STATES PARTIES TO THE 1970 UNESCO CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

### **SUMMARY**

The Director-General submits to the Executive Board a proposal for the convening of an Extraordinary Meeting of States Parties to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

The financial and administrative implications are presented in paragraph 10.

Action expected of the Executive Board: proposed decision in paragraph 11.

## **I. INTRODUCTION**

1. Following the Second Meeting of States Parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (20-21 June 2012, UNESCO Headquarters), the Director-General proposes convening an Extraordinary Meeting of States Parties to the 1970 Convention in advance in 2013, in order to accelerate the establishment of the monitoring organs and in particular the election of the Subsidiary Committee created in June 2012 (Article 14.2 of the Rules of Procedure adopted by the Meeting of States Parties – see Annex).

## **II. OUTCOMES OF THE SECOND MEETING OF STATES PARTIES (20-21 JUNE 2012)**

2. During the Second Meeting of States Parties to the 1970 Convention held on 20 and 21 June 2012 at UNESCO Headquarters, the States Parties, *inter alia*, adopted Rules of Procedure whereby they established that the Meeting of States Parties shall be convened every two years. These Rules of Procedure also define the arrangements for the election of a subsidiary committee of 18 members (Article 14.4 of the Rules of Procedure) which shall be convened by the Secretariat every year (Article 14.2 of the Rules of Procedure). In addition, the Rules of Procedure specify the functions that shall be performed by the subsidiary committee once it has been elected, including, in particular, the preparation of guidelines contributing to the implementation of the Convention (Article 14.6).

3. The application of the Rules of Procedure should lead to the convening of the monitoring organs (Meeting of States Parties and Subsidiary Committee) in 2014 at the earliest, or two years after the Second Meeting of States Parties held in June 2012, since the Third Meeting has to elect the 18 members (three per electoral group) of the Subsidiary Committee.

4. Given that it is urgent for UNESCO and its Member States to pursue rapidly the process of reflection initiated in 2011 – notably at the celebration of the 40th anniversary of the 1970 Convention – with regard to improving the implementation of this treaty, the preparation and submission of recommendations and operational guidelines as provided for in Article 14.6 of the Rules of Procedure has become a priority for many States Parties.

5. Consequently, the Director-General considers that it is important to support the wishes of UNESCO's Member States by convening an Extraordinary Meeting of States Parties to the 1970 Convention in 2013 – or one year before the time frame specified in the Rules of Procedure – in order to elect the Subsidiary Committee and, in particular, to initiate the development and examination of guidelines facilitating the implementation of the 1970 Convention. It should thus be possible to build on the progress achieved through the efforts made since 2011; to fulfil the expectations of States that prioritize the protection of cultural goods and the fight against their traffic, and to encourage the effective implementation of the treaty.

## **III. MANDATE OF THE EXTRAORDINARY MEETING OF STATES PARTIES**

6. The Director-General proposes that the principal mandate of the Extraordinary Meeting of States Parties be to elect the 18 members of the Subsidiary Committee, to enable the latter to meet from 2013 and initiate the development and drafting of guidelines on the 1970 Convention and, more generally, to develop strategies to improve the application of this treaty.

#### **IV. CATEGORY OF THE MEETING**

7. Pursuant to the Regulations for the general classification of the various categories of meetings convened by UNESCO, this meeting falls within the category of “intergovernmental meetings other than international conferences of States” (category II).

#### **V. PARTICIPANTS**

8. Those admitted to take part in the work of the Extraordinary Meeting of States Parties shall include the participants, representatives and observers mentioned in Articles 1 and 2 of the Rules of Procedure of the Meeting of States Parties to the 1970 Convention, holding the status of States Parties or observers, with or without the right to vote.

#### **VI. TIMETABLE**

9. The Director-General proposes convening the Extraordinary Meeting of States Parties to the 1970 Convention in Paris, at the UNESCO Headquarters, during two days in the first half of 2013 and to hold the first meeting of the Subsidiary Committee on the two days immediately following the Extraordinary Meeting of States Parties.

#### **VII. FINANCIAL AND ADMINISTRATIVE IMPLICATIONS**

10. Taking into account the intergovernmental nature of this Extraordinary Meeting, the Director-General proposes to use the Special Emergency Fund intended to support the implementation of priorities under document 36 C/5. Nevertheless, States are invited to consider making voluntary extrabudgetary contributions to support the funding of this meeting. For information, the approximate cost of the Second Meeting of States Parties to the 1970 Convention was \$110,000.

#### **Proposed draft decision**

11. In the light of the above, the Executive Board may wish to adopt the following decision.

The Executive Board,

1. Having examined document 190 EX/43,
2. Recognizing the need for improved application of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, notably through the creation of a subsidiary committee,
3. Authorizes the Director-General to convene in the first half of 2013 an Extraordinary Meeting of States Parties to the 1970 Convention (category II intergovernmental meeting), charged notably with electing the members of the Subsidiary Committee;
4. Encourages the convening of the Subsidiary Committee by the States Parties in the first half of 2013.

## ANNEX

### RESOLUTION 2.MSP 3

The Meeting of States Parties,

1. Having considered the provisional Rules of Procedure contained in document C70/12/2.MSP/3,
2. Adopts the Rules of Procedure as contained in the aforementioned resolution.

## ANNEX

The Rules of Procedure comprises six chapters: (I) Participation, (II) Organization of the Meeting of States Parties, (III) Conduct of Business, (IV) Secretariat of the Meeting of States Parties, (V) Meeting of States Parties and (VI) Adoption and Amendment of the Rules of Procedure.

The Rules of Procedure are the following:

### I. PARTICIPATION

#### Article 1 – Participants

The representatives of the States Parties to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property adopted by the General Conference on 14 November 1970 (hereinafter referred to as “the Convention”) may participate, with the right to vote, in the Meeting of States Parties.

#### Article 2 – Representatives and observers

2.1 The representatives of Member States of UNESCO not parties to the Convention, of Associate Members and of permanent observer missions to UNESCO may participate in the work of the Meeting of States Parties as observers, without the right to vote, and subject to Article 7.3.

2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations that have concluded mutual representation agreements with UNESCO, as well as observers of intergovernmental and international non-governmental organizations invited by the Director-General, may participate in the work of the Meeting of States Parties, without the right to vote, and subject to Article 7.3.

2.3 Other representatives or observers invited by the Director-General may participate in the work of the Meeting of States Parties, without the right to vote, and subject to Article 7.3

### II. ORGANIZATION OF THE MEETING OF STATES PARTIES

#### Article 3 – Election of officers

The Meeting of States Parties shall elect a Chairperson, one or more Vice-Chairperson(s) and a Rapporteur.

#### Article 4 – Duties of the Chairperson

4.1 In addition to exercising the powers conferred upon him/her elsewhere by the present

Rules of Procedure, the Chairperson shall open and close each plenary meeting of the Meeting of States Parties. He/She shall direct the discussions, ensure observance of these Rules of Procedure, accord the right to speak, put questions to the vote and announce decisions. He/She shall rule on points of order and, subject to the present Rules of Procedure, shall control the proceedings and the maintenance of order. He/She shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf.

4.2 Should the Chairperson be absent during a meeting, or any part thereof, he/she shall be replaced by a Vice-Chairperson. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

### **III. CONDUCT OF BUSINESS**

#### **Article 5 – Public nature of meetings**

Sessions shall be held in public unless decided otherwise by the Meeting of States Parties.

#### **Article 6 – Quorum**

6.1 A quorum shall consist of a majority of the States referred to in Article 1 and represented at the Meeting of States Parties.

6.2 The Meeting of States Parties shall not decide on any matter unless a quorum is present.

#### **Article 7 – Order and time-limit of speakers**

7.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

7.2 For the convenience of the discussion, the Chairperson may limit the time allowed for each speaker.

7.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Meeting of States Parties.

#### **Article 8 – Points of order**

8.1 During a discussion, any delegation may raise a point of order; such a point of order shall be immediately decided upon by the Chairperson.

8.2 An appeal may be made against the ruling of the Chairperson. Such an appeal shall be put to the vote immediately and the Chairperson's ruling shall stand, unless overruled by a majority of the delegations present and voting.

#### **Article 9 – Procedural motions**

9.1 During a discussion, any delegation may move the suspension or adjournment of the meeting or the adjournment or closure of the debate.

9.2 Such a motion shall be put to the vote immediately. Subject to Article 8.1, such motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) suspension of the meeting;
- (b) adjournment of the meeting;
- (c) adjournment of the debate on the question under discussion;

(d) closure of the debate on the question under discussion.

#### **Article 10 – Working languages**

The working languages of the Meeting of States Parties shall be Arabic, Chinese, English, French, Russian and Spanish.

#### **Article 11 – Resolutions and amendments**

11.1 Draft resolutions and amendments may be proposed by the participants referred to in Article 1 and shall be transmitted in writing to the Secretariat of the Meeting of States Parties, which shall circulate copies to all participants.

11.2 As a general rule, no draft resolution or amendment shall be discussed or put to the vote unless it has been circulated sufficiently in advance to all participants in the working languages of the Meeting of States Parties.

#### **Article 12 – Voting**

12.1 The representative of each State referred to in Article 1 shall have one vote in the Meeting of States Parties.

12.2 Unless otherwise provided, decisions shall be taken by a majority of the States present and voting.

12.3 For the purpose of the present Rules of Procedure, the expression “States present and voting” shall mean States casting an affirmative or negative vote. States abstaining from voting shall be regarded as having not voted.

12.4 Voting shall normally be carried out by show of hands. When the result of a vote by show of hands is in doubt, the Chairperson may take a second vote by roll-call. A vote by roll-call shall also be taken if it is requested by no less than two delegations before the voting takes place.

12.5 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Meeting of States Parties shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote.

12.6 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

12.7 A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

### **IV. SECRETARIAT OF THE MEETING OF STATES PARTIES**

#### **Article 13 – Secretariat**

13.1 The Director-General of UNESCO or his/her representative shall participate in the work of the Meeting of States Parties, without the right to vote. He/She may, at any time, make either oral or written statements to the Meeting of States Parties on any question under discussion.

13.2 The Director-General of UNESCO shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Meeting of States Parties, as well as other officials who shall together

constitute the Secretariat of the Meeting of States Parties.

13.3 The Secretariat is charged with the tasks of receiving, translating and distributing all official documents of the Meeting of States Parties, and of interpreting discussion in accordance with Article 10 of the present Rules of Procedure. It shall perform any other task necessary for the proper conduct of the work of the Meeting of States Parties.

## **V. MEETING OF STATES PARTIES**

### **Article 14 – The Meeting of States Parties**

14.1 The Meeting of States Parties shall be convened every two years.

14.2 The Meeting of States Parties shall establish a subsidiary committee (hereafter **the Committee**).

14.3 The Committee shall be convened by the Secretariat every year.

14.4 The Committee shall be composed of representatives of 18 States Parties, 3 per regional group, elected by the Meeting of States Parties. The election of the Committee shall obey the principles of equitable geographical representation and rotation.

14.5 Members of the Committee shall be elected for a term of four years. However, the term of office of half of the members to the Committee elected at the first election is limited to two years. These members shall be chosen by lot at the first election. Every two years, the Meeting of States Parties shall renew half of the members of the Committee. A member to the Committee may not be elected for two consecutive terms.

14.6 The functions of the Committee are:

- (a) To promote the purposes of the Convention, as set forth in the Convention;
- (b) To review national reports presented to the General Conference by the States Parties to the Convention;
- (c) To exchange best practices, and prepare and submit to the Meeting of the States Parties recommendations and guidelines that may contribute to the implementation of the Convention;
- (d) To identify problem areas arising from the implementation of the Convention, including issues relating to the protection and return of cultural property;
- (e) To initiate and maintain co-ordination with the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation in relation to capacity building measures combating illicit traffic in cultural property;
- (f) To report to the Meeting of States Parties on the activities it has carried out.

14.7 The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members;

14.8 States Parties to the Convention, which are not members of the Committee, and other Member States of UNESCO, may participate in the meetings of the Committee, as observers.

14.9 The Committee may invite to its meetings any person or entity, including

intergovernmental as well as international non-governmental organizations with recognized competence in the areas of protection of cultural heritage and combating illicit trafficking of cultural property, in order to consult them on specific matters.

## **VI. AMENDMENTS TO THE RULES OF PROCEDURE**

### **Article 15 – Amendments**

The Meeting of States Parties may amend these Rules of Procedure by a decision taken in plenary meeting by a two-thirds majority of States present and voting.